



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 30, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John M. Miano
E101 103 Park Avenue
Summit, NJ 07901

RE: MUR 4890

Dear Mr. Miano:

On April 29, 1998, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on July 26, 1999. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4890
INDIA NETWORK FOUNDATION

John Miano alleges that the India Network Foundation ("INF"), a non-profit corporation, solicited contributions on behalf of Sen. Spencer Abraham. He also alleges that Sen. Abraham may have received contributions from foreign nationals as a result of these solicitations. The solicitations, allegedly targeted to "non-citizens," were contained in two newsletters published on INF's web site.

INF confirms in its response that the alleged solicitations were contained in bulletins about immigration law issues edited by the Law Office of Sheela Murthy and distributed through its site. According to the respondent, it does not pre-approve or screen the contents of these bulletins before they are posted. INF advises that it asked Ms. Murthy to remove all references to political campaigns and fundraising in these and all future bulletins.

Respondent Sheela Murthy confirms that she prepares and distributes articles and bulletins about U.S. immigration law to various organizations, including the India Network Foundation. While she believes some readers may be foreign nationals, she asserts that her target audience is U.S. citizens. She states that she inadvertently failed to edit out the references to the fundraiser cited in the complaint before submitting the newsletter to INF for publication, and notes that INF has already redacted this information from the bulletin on the web site.

Abraham Senate 2000 responds that the fundraiser mentioned in Ms. Murthy's bulletin was held at a conference for the American Immigration Lawyers Association in March 1999, and that INF was not associated with the event. It further interprets the bulletin as merely reporting that the fundraiser was held, and not to explicitly or implicitly solicit campaign contributions. The Committee further responds that it reviewed its records and that, to the best of its knowledge, it did not receive any contributions at this event from foreign nationals, since all contributors reported U.S. addresses and all checks were drawn on U.S. banks.

There appears to be no serious intent to violate the FECA, and this matter is less significant relative to other matters pending before the Commission.